

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings include changes to Figures 21-27. The attached "Replacement Sheets," which include Figures 21-27, replace the original sheets including Figures 21-27.

Attachment: Replacement Sheets

### **REMARKS**

Claims 1-43 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for certain informalities. Applicants have attached revised drawings for the Examiner's approval. In the replacement sheets, "Prior Art" has been added to the drawings. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 43 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicants have amended Claim 43 so as to conform to the disclosure of the present application (e.g., page 23, lines 8-18 and page 24, lines 12-15 of the

specification). Therefore, reconsideration and withdrawal of this objection are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fant et al. (U.S. Pub. No. 2004/0075151). This rejection is respectfully traversed.

With respect to the claimed limitation that "the IP network comprising an IP/MPLS (Internet Protocol/Multi Protocol Label Switching) node", the Examiner points out FIG. 1, a client data source, and paragraph 19, lines 11-16 of Fan. However, the portions of Fan pointed out by the Examiner merely disclose that a WAN, a LAN, a server computer, or a stand-alone computer or terminal is provided at the client side. These portions of Fan do not state that an IP network which includes an IP/MPLS (multi-protocol label switching) node is provided at the client side.

With respect to the claimed limitation that the GMPLS+IP/MPLS node "processes a GMPLS protocol and an IP/MPLS protocol", the Examiner points out FIG. 1 and a client data card of Fant. Please note that the asserted client data card should read "client interface card". However, Fant does not state that a client interface card 11 is capable of processing an IP/MPLS protocol.

With respect to the claimed limitation that "establishes a GMPLS label path of a packet layer with another GMPLS+IP/MPLS node", the Examiner points out a GMPLS controller 15 of FIG. 1, paragraph 25, lines 1-2 and lines 12-13, and a node 9 of Fant. However, the portions pointed out by the Examiner merely disclose that a path is established over a control plane between GMPLS controllers using GMPLS signaling

and that a frame containing client data is carried on a data plane. Although Fant mentions the phrase "frame", Fant fails to even mention the phrase "packet(s)", let alone the technical idea of establishing a GMPLS label path "of a packet layer" as defined by the present invention.

With respect to the claimed limitation that "tunnel transfers a packet transferred from the IP/MPLS node with the other GMPLS+IP/MPLS node through the GMPLS label path", the Examiner points out the client interface card 11, a client source, and the node 9 of FIG. 1, and paragraph 25, lines 12-14 of Fant, and asserts that "the frame encapsulates the packet". However, as explained above, the portions pointed out by the Examiner merely state that a frame containing client data is carried on a data plane. These portions pointed out by the Examiner do not disclose that "the frame encapsulates the packet" as asserted by the Examiner. For at least these reasons, it is respectfully submitted that Claims 1 and 22, along with claims depending therefrom, defines patentable subject matter over Fant. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 20, 21, and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fant in view of Doukai (U.S. Pub. No. 2004/0114595) and Barrett et al. (U.S. Pub. No. 2004/0015583). This rejection is respectfully traversed.

With respect to the claimed limitation of an "IP/MPLS node", the Examiner points out the client data source of FIG. 1 of Fant. However, as explained above with respect

to Claims 1 and 22, Fant does not mention that an IP/MPLS node is provided at the client side.

With respect to the claimed limitation that "a GMPLS+IP/MPLS node which is capable of processing a GMPLS protocol and an IP/MPLS protocol", the Examiner points out a node 5 of FIG. 1, the WAN, and paragraph 19, lines 9-16 of Fant, and asserts that a GMPLS protocol is "inherent". However, the portions of Fant pointed out by the Examiner merely disclose that a client interface card 11 receives and transmits data between a client and an optical network. These portions of Fant do not state that the node 5 of Fant is capable of processing an "IP/MPLS protocol" in addition to a GMPLS protocol.

With respect to the claimed limitation that "establishes a GMPLS label path of a packet layer with another GMPLS+IP/MPLS node", the Examiner points out paragraph 25, lines 1-2 and paragraph 24, lines 3-6 of Fant. However, the portions pointed out by the Examiner merely disclose that a path is established over a control plane between GMPLS controllers using GMPLS signaling and that a node 5 computes a route to a desired egress node 9 using a GMPLS link state database in order to establish a connection. Fant makes no mention of establishing a GMPLS label path of "a packet layer" as defined by the present invention.

With respect to the claimed limitation that "holds link state information having a GMPLS label path of the packet layer advertised as a link", the Examiner admits that Fant fails to disclose or suggest such a limitation. However, the Examiner points out link station information 36-1 of FIG. 27, paragraph 241, lines 1-3 of Doukai. In addition, the Examiner asserts that "Barrett discloses the GMPLS node advertises to its peer(s)

the GMPLS link state information (paragraph 101 lines 7-12)". However, the portions of Doukai pointed out by the Examiner merely disclose a link state database 3601 flooded by a routing protocol. In addition, the portions of Barrett pointed out by the Examiner merely disclose the technical idea of sending link state adverts and a label switch advertisement LSA to all of its peers. These portions of Doukai and Barrett do not disclose or suggest the technical idea of advertising "a GMPLS label path of the packet layer" as a link as defined by the present invention. For at least these reasons, it is respectfully submitted that Claim 20, along with claims depending therefrom, defines patentable subject matter over this combination of references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 4, 5, 7-19, 26, 27, 29-41 would be allowable if rewritten in independent form. Applicant respectfully acknowledges the Examiner's indication of the allowable subject matter. Applicant elects to defer rewriting the objected to claims until the Examiner has considered Applicant's arguments.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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